(Spl.-H.C.A.S.,C.D.,78-e)

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF BOMBAY AT GOA
APPELLATE SIDE

WRIT PETITION NO. 593 OF 2003

Office Note, Office Memoranda of Quorum, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders

Shri S. D. Lotlikar, Senior Advocate with Shri A. D. Bhobe, advocate for the petitioners.

Shri S. G. Dessai, Senior Advocate with Shri S. D. Padiyar, advocate for respondent no.1.

Shri M. B. D'Costa, Senior Advocate with Shri J. A. Lobo, advocate for respondent nos. 2 to 4.

CORAM : SMT. NISHITA MHATRE &
P. V. HARDAS, JJ.

DATE : 19th January, 2004

P.C.:

The petition has been filed for a direction to be issued against respondent no.1 to forthwith issue formal renewed construction licence to the petitioners in terms of the plans approved by the SGPDA. Development permission has already been granted by the SGPDA on 16th May, 2003. It appears that in the fresh development permission issued to the petitioners by the SGPDA, the condition which was imposed in the

earlier development permission pertaining to gifting the road-widening area to the Margao Municipal Council has been dropped. Shri Dessai for the Council, states that there would be no difficulty in renewing the construction licence as condition no.12 regarding gifting of road-widening area has been dropped. He, however, submits that the Council should be relieved of the undertaking given on their behalf by the Chief Officer, Shri Gokuldas P. Naik, in Miscellaneous Civil Application No. 154/2002 in Writ Petition No. 184/2001, where an undertaking has been given that no construction activity would be allowed by the Council, unless road-widening area in terms of the approved plans is developed and gifted to the Margao Municipal Council. Since the condition regarding gifting has been deleted, we relieve the Council of the undertaking furnished on their behalf on 5th July, 2003, by the

Chief Officer, to the extent that there would be no need to gift the area developed to the Margao Municipal Council

Shri Dessai, for the Council, states that the licence issued to the petitioner would be renewed in accordance with law. In view of this statement, Shri Lotlikar, for the petitioner, seeks to withdraw the petition.

Petition allowed to be withdrawn.

SMT. NISHITA MHATRE, J.

P. V. HARDAS, J.

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